

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 27, 1977

10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Absent: None

The Invocation was delivered by Reverend George Rook of the First United Methodist Church.

MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes for the Special Meeting of October 4, 1977, and the Regular Meeting of October 20, 1977. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

MEETINGS OF HEALTH SYSTEM

Mayor McClellan reminded those present that there would be a public work session for the Council, with staff and with consultants on the Health System report at 4:00 p.m., Friday, October 28, 1977. She also noted that there would be a Public Hearing on the Health System report on Thursday, November 3, 1977, at 8:00 p.m. in the Council Chamber, and another hearing Friday, November 4, 1977, at 7:00 p.m. at the Rosewood-Zaragosa Center.

ANNOUNCEMENTS ON AGENDA ITEMS

The Mayor announced that Agenda Item H-1 (Presentation of Monthly Financial Statement for September, 1977) has been withdrawn from today's Agenda and will be put back on at a later date. She also said the Council has received a request by letter that morning to postpone Agenda Item B.1.a.(12) (the following zoning) until a later date.

Councilmember Trevino moved that the Council grant the request to postpone the following zoning case:

DR. F. M. COVERT, III, ET AL By Maxwell Stout C14-77-131	4300-4306 Toney Burger Lane 1617-1707 St. Elmo Road	From Interim "A" Residence 1st Height and Area To "C" Commercial and "GR" General Retail 1st Height and Area RECOMMENDED (as amended) by the Planning Commission
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

EXECUTIVE SESSION

Mayor McClellan also mentioned the Council has been convening in Executive Session and will go back into Executive Session at the end of today's Council Meeting.

UNICEF DAY

October 31, 1977, Halloween, has been proclaimed UNICEF DAY in Austin and Mayor McClellan read a proclamation reaffirming the one signed by the President of the United States, urging every citizen, old and young alike, to participate in trick or treat for UNICEF and to welcome properly identified trick or treaters at the door - those whose orange and black containers carry the official printed UNICEF symbol of a mother and child. Accepting the proclamation with her thanks was former Councilmember Margret Hofmann who is Chairman of the local UNICEF Drive.

ZONING HEARINGS

The Mayor announced that the Council would hear the zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

CHARLES L. HOFFMAN C14-77-116	101 West St. Elmo Road also bounded by South Congress Avenue	From "C" Commercial and "C-2" Commercial 6th Height and Area To "C-1" Commercial 6th Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Himmelblau moved that the Council grant "C-1" Commercial, 6th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial, 6th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

PAULINE COFFEY JOHNSON C14-77-117	810 Park Boulevard	From "O" Office 1st Height and Area To "A" Residence 1st Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

W. W. PATTERSON, TRUSTEE C14-77-118	1001-1023 Ed Bluestein Boulevard (US 183, north) also bounded by Carver Avenue	From "LR" Local Retail 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOE K. MURCHISON
 C14-77-122

2308-2310 Hancock Drive

From "A" Residence
 1st Height and Area
 To "GR" General Retail
 1st Height and Area
 RECOMMENDED by the Planning
 Commission

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

LML INVESTMENTS
 By Phil Mockford
 C14-77-123

12574 & 12617-12621
 U.S. Highway 183, also
 bounded by Jolly-
 ville Road

From Interim "AA" Residence
 1st Height and Area
 To "O" Office and
 "GR" General Retail
 1st Height and Area
 RECOMMENDED by the Planning
 Commission

Mayor Pro Tem Himmelblau moved that the Council grant "OR" Office and "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "O" Office and "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

O. SHERMAN
SNOWDEN, EXECUTOR
By Gary L. Snowden
C14-77-125

1314-1320 South Lamar
Boulevard

From "C" Commercial
2nd Height and Area
To "C-2" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "C-2" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JONADA COMPANY,
ET AL
By Safeway Stores
C14-77-128

2025 West Ben White
Boulevard
4401-4435 Cactus Lane

From "C" Commercial and
"A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

TEXACO, INC.
By Jack A. Rhine
C14-77-129

5740 North IH 35
971 Reinli Street

From "C" Commercial
6th Height and Area
To "C" Commercial
5th Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "C" Commercial, 5th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 5th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

AUTOTRONICS SYSTEMS, INC. By John Lewis & William M. Day C14-77-132	8659-8669 Spicewood Springs Road 12812-12826 U.S. 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

KEN SHEPPARD By Jerry Reed C14-77-134	11657-11679 US. 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

applicant, appeared before Council to state that the building will be maintained as is, but will be used for professional offices with a parking area in the rear. Ms. Webb commented that her home has Historic zoning but she has lost her incentive to restore it because of the congestion in the area.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT A. BAKER,
JR.
C14-77-115

617-701 Nelray Boulevard

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to
dedication of five (5) feet
of right-of-way on Nelray
Boulevard

Mayor Pro Tem Himmelblau moved that the Council grant "B" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DON McELWREATH
By Jose Mercado
C14-77-133

7700-7722 Old Cameron
Road
1500-1508 U. S. 183
(East Anderson Lane
also bounded by Cameron
Road)

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED as amended by the
Planning Commission, subject
to dedication of fifteen (15)
feet of right-of-way on
Cameron Road and twenty (20)
feet of right-of-way on Old
Cameron Road

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission as amended, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MILDRED W. MILLER,
ET AL
By Will Garwood
C14-77-120

44-48, 43-1/2-51 and
59 Rainey Street, also
bounded by Bierce
Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to 15 feet
of right-of-way on the west
side and 5 feet of right-of-
way on the east side of
Rainey Street

MR. WILL GARWOOD appeared to represent the applicant. He said they have four tracts being zoned, all of which front on Rainey Street just west of East Avenue and just north of the lake. Tract 2 is on the west side of Rainey Street and backs up to the alley. He said the City staff and the City Property Department have determined that the alley is appropriate for vacation, so that the City can pick up 10 feet for its Waller Beach project and the property owner can pick up the other 10 feet (alley is 20 feet wide). He said that they would like a proviso for the dedication of the alley so that when they dedicate to the City their 15 feet on the west side of Rainey, they can take advantage of the City's long established policy that when simultaneous dedication is made, the property owner does not have to pay for land that accures to him on a vacation. Mr. Garwood said that in this instance, the property owner would be dedicating more land to the City. Mr. Lillie stated that this would be in order. Mr. Jerry Harris, City Attorney, also said that the trade would be in order.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions, and approve trade of the 10-foot alley. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and with trade of the 10-foot alley, and the City Attorney was instructed to draw the necessary ordinance to cover.

KENNIE & MILDRED
 SNEED
 C14-77-124

6500-6502 Manor Road
 3304 Northeast Drive

From "BB" Residence
 1st Height and Area
 To "O" Office
 1st Height and Area
 RECOMMENDED by the Planning
 Commission, as amended,
 subject to a restrictive
 covenant prohibiting a massage
 parlor

MS. JOAN BARTZ, Zoning Chairman, University Hills Homeowners, appeared before the Council to state that the zoning notices still listed 6502 Manor Road. She said Mr. Sneed had dropped 6502 Manor Road from zoning request, and she wanted to be certain the Council does not include this address in their consideration of the zoning. Ms. Bartz said they have no problems with the recommendation of the Planning Commission. Mr. Lillie commented that the notices that went to the Council regarding this zoning asked that 6502 Manor Road be excluded.

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, as amended, subject to conditions, and to not include 6502 Manor Road. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, subject to conditions, and to not include 6502 Manor Road, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Denied

CARL S. RUNDBERG,
ET AL
By Phil Mockford
CL4-77-121

106-300 East Rundberg
Lane, also bounded by
Rock Hollow Lane

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area (Tract 1)
"BB" Residence
1st Height and Area (Tract 2)
NOT RECOMMENDED
RECOMMENDED by the Planning
Commission
"O" Office
1st Height and Area (Tract 1)
and "A" Residence
1st Height and Area (Tract 2)

Mr. Lillie reviewed the application by use of slides. There is opposition to the application and a petition was filed which included over 20% of the adjoining property owners within 200 feet. Mr. Lillie explained that the present zoning on the property is interim zoning and although the petition has been filed, it is not valid and will not require six votes of the Council to override.

MR. PHIL MOCKFORD, representing the applicant, who stated that this is actually two tracts of land owned by Mr. Rundberg and Mr. Phillips. He said they were acting together in an effort to have a reasonable development of two very narrow tracts of land. They have entered into a contract to sell the land to Mr. Casey for apartment development. He said that because of the configuration of the land and the size, a single-family subdivision could not be put on this land economically. Mr. Mockford also argued that the lot price would be excessive for the building of duplexes appropriate to the neighborhood. He pointed out that Mr. Casey has devised a plan to utilize the property for residence purposes with minimum impact on the adjoining residential neighborhood. Mr. Mockford said they were not asking for "BB" Residence zoning and a free hand to do anything they want to, but were only asking for the approval of Mr. Casey's specific plan. He also said that Mr. Casey did not plan to put any more units in the area than would be allowed under "A" Residence zoning for duplexes. As proposed in Mr. Casey's plan, the entrances would be kept as private drives inside the development, thus creating less asphalt coverage and help the run-off problem as well as add to the beauty of the area. Councilmember Goodman asked what would be done about the drainage problem. Mr. Mockford said that they will do whatever the City Planning Department requires. Mayor Pro Tem Himmelblau asked if this could be considered under a Planned Unit Development. Mr. Lillie replied that if it was designed for more acreage and space and less units, it would be a PUD. Mr. Mockford said that Mr. Casey does not want to sell the units, which would be required under PUD, but wants an apartment development that he can rent out and use as his income property.

MRS. SUSAN GREGG, 9701 North Creek, appeared to oppose the zoning. She said there is only one entrance to their subdivision from Rundberg Lane and if there were an apartment complex built in the area, it would create a dense traffic problem. She also pointed out the drainage problem on the land in question, as well as their subdivision. There is a small creek, which during a rainstorm, causes flash flooding.

MRS. GEORGE KUEMPEL, who resides at 9506 North Creek, appeared before Council to say that they have been working on the drainage problem on their property for seven years and have been told if the land behind them is not properly developed, then their house would be flooded. She also said that Barrington Elementary School is already overcrowded and the addition of more students from an apartment complex has the teachers concerned.

MR. ROBERT GREGG, 9701 North Creek, expressed his concern over the single entrance to their subdivision from Rundberg Lane, and the congestion which would be caused by more traffic from an apartment complex.

MR. LESTER DOMINGUEZ, who lives in the area, reiterated what had been said by the previous speakers and stated the area in question is prime property. He felt something could be done with it other than that which is proposed by Mr. Casey.

MR. MARVIN MORRIS of 9512 North Creek Drive appeared to say he had signed a petition against the proposed zoning. He said residents of his area had received threatening telephone calls saying that mobile homes or low rent housing would be built on the property if "BB" Residence is not approved.

Councilmember Goodman expressed his concern with the lack of street entrances to the existing subdivision and said the development proposed by Mr. Casey would forever lock the people into their subdivision. He pointed out that if the zoning were "AA" Residence, there would be more streets open for use. Councilmember Cooke also commented on the inaccessibility to streets which would be created if the property were not zoned "A" Residence. Mr. Mockford said that if his client is not granted what he requests, then he doesn't want different zoning, but will stick with Interim "AA" Residence.

Motion

Councilmember Mullen moved that the Council grant "O" Office on Tract 1, and "BB" Residence on Tract 2, with the condition that the drainage problem will be taken care of contingent on the site plan presented. The motion was seconded by Councilmember Cooke.

Mayor McClellan commented she is concerned with what might happen to the area of land which would be adjacent to this property if it were zoned "BB" Residence. She said she would rather see less units with a PUD development and keep it at "AA" Residence.

Substitute Motion

Councilmember Goodman made a substitute motion, seconded by Councilmember Trevino, to postpone the zoning for two weeks so that Mr. Casey can get together with the neighborhood.

Mr. Casey replied to this motion that he had met with the neighborhood and he understands their concerns. He said he had talked to an architect about the possibility of a PUD, but he does not want to sell the units. He wants to use the development as his source of income. He said he would drop some of the proposed units in the apartment complex if this would be needed to defray flooding. He said he did not see how any more could be accomplished by having another meeting with the neighborhood.

Substitute Motion Withdrawn

Councilmember Goodman withdrew his substitute motion and Councilmember Trevino withdrew his second.

MR. G. BEHRENS, 107 East Pheasant Drive, appeared to suggest that the Council vote for the Planning Commission's request.

MR. EDGAR JAMES, the architect who designed Mr. Casey's proposed plan, appeared to say the plans were designed with a minimum amount of impact to the neighborhood and that he thought it would enhance the neighborhood.

Roll Call on Original Motion - Failed

Ayes: Councilmember Cooke, Mayor Pro Tem Himmelblau, Councilmember Mullen

Noes: Mayor McClellan, Councilmembers Goodman, Snell, Trevino

The Mayor announced that the zoning had been DENIED.

Zonings Granted

BARRINGTON OAKS
JOINT VENTURE
By Robert L. Davis
C14-77-127

12005-12027 Barrington
Way, also bounded by
Jollyville Road

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st
Height and Area on Lot 16,
Block A, Barrington Oaks,
Section One, and "A" Residence
1st Height and Area on the
south 310 feet.

Mr. Lillie called attention to the letter the Mayor had received from Mr. Milburn to Mr. Davis with a request to amend the application.

MR. ROBERT DAVIS, representing the applicant, appeared before Council. He said they initially had filed an application for "GR" General Retail, 1st Height and Area District. There was a substantial amount of neighborhood opposition so Mr. Milburn had reconsidered what might be done with the site and determined he could develop it as a conventional single-family subdivision or duplex subdivision or a PUD. As a result, Mr. Davis said he was asking that the application be amended to "A" Residence, 1st Height and Area District, on the entire tract.

Motion

Councilmember Goodman moved that the Council grant "A" Residence, 1st Height and Area District, on the whole tract. The motion was seconded by Mayor Pro Tem Himmelblau later.

MR. DAVID YOUNG, a resident of Barrington Oaks, which is immediately south of the tract of land in question. He said he is President of a newly formed neighborhood association which formed to oppose the "GR" General Retail zoning. Mr. Young said he is extremely pleased that the joint venture is asking for "A" zoning and his neighborhood association supports it as long as they understand exactly what it means. Mr. Young said they have asked to see a site plan so that they can know exactly what is in store for the tract.

Mr. Lillie commented that any subdivision of the land calls for notification of adjoining owners of the land. If any project such as a townhouse development or PUD is requested, it requires a public hearing before the Planning Commission and notices are sent to property owners within 300 feet. They are informed the site plan is on file in the Planning Department for review and study.

Mr. Young asked if it is correct then, that a PUD plan would have to be approved by the Council, but single-family dwelling units would not. Mr. Lillie said that is correct. Mr. Young thanked the Council for their time and attention in this matter.

Mr. Davis returned to address the Council and said he "wanted to be sure there is some note made in the Minutes of this meeting that we are considering coming back for PUD so that there will not be any question on anybody's part that we represented that we weren't."

Roll Call on Motion

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CASEY & HAMPTON
INVESTMENTS
By Glenn W. Casey
C14-77-136

11207-11325 Jollyville
Road A

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st
Height and Area District

Mr. Lillie reviewed the application with slides. He said that a trend has been established recently for applications on new U.S. 183 being approved for "GR" General Retail, and applications on Old Jollyville Road, between the two highways, approved for "O" Office.

MR. GLENN CASEY appeared before Council to say he had bought the property for a different purpose before it came into the City. He said if he could have "GR" on the back portion (with 100 feet of "O" Office on the front portion), then he could try to get a Special Permit to put his office and warehouse on it. This was the reason he had purchased the property. Mr. Lillie repeated what he had said previously concerning the present trend for zoning on Jollyville Road. He said there was no way Mr. Casey could get a Special Permit to get "C" Commercial use on the rear if he was zoned "GR" General Retail. He said one has to be adjacent to "C" zoning to get a Special Permit, and Mr. Casey is not adjacent.

Mr. Casey said he had checked with the Planning Commission and the Master Plan, prior to buying the property, and he had been told he would have no trouble using the land for his intended purpose. Mr. Lillie said that someone had presented some plans and had been told he could not use them on that property. He said there were some Industrial uses on the road that had been developed prior to the annexation but the Council has not granted any Industrial on the street since the annexation.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman
Noes: Councilmember Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Denied

GEORGE M. HAUSMAN
By R. W. Harrell
C14-77-119

1208 East 51st Street

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie reviewed the application by use of slides. He said that a valid petition against this zoning has been received, so it will take six votes of the Council to approve the requested zoning.

MR. R. W. HARRELL appeared before Council, speaking for Mr. Hausman. He said Mr. Hausman is an invalid who wants to try to make a living by establishing a saw filing business in his home. Mr. Harrell said the neighbors objected to the idea because they thought it would be too noisy. Mr. Harrell assured the Council that the noise would be minimal. MR. PRESLEY BIEL, a personal friend of Mr. Hausman who has personal knowledge of saw filing, appeared to say that this was an electric operation and was not very noisy any more. He asked Mr. Lillie to tell him what the petitioners' objection is. Mr. Lillie read the petition which stated that the neighborhood is residential and the opening of a business could open up adverse development. Mr. Biel

pointed out that there is a liquor store in the area and Capital Cable has their business office there also. He also pointed out the machine weighs only 40 pounds and can fit into the kitchen.

MR. ROBERT WOOLIVER, owner of an apartment building of seven units at 1212 East 51st Street, which is separated from Mr. Hausman's dwelling by one lot, stated the liquor store is a considerable distance from the property in question and is on the corner of Cameron Road. He said the neighbors objected to the noise of saw filing and that they all want to keep the property as residential zoning. Mr. Wooliver stated, "I want to say for the public record that if Mr. Hausman can set up a saw shop at some other site, in a rented facility perhaps, I would be glad to go there and help him set that up, recognizing his physical handicap."

Mayor McClellan stated the valid petition represents 40% of the property owners within 200 feet.

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

The Mayor announced that the zoning had been DENIED.

WILLARD H. &
ORENE REID
C14-77-126

7106 Manchaca Road,
also bounded by
Matthews Lane

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie reviewed the application by use of slides. Mr. W. H. Reid appeared in his own behalf to state the house faces Manchaca Road. The traffic has become so heavy that it is no longer suitable as a residence. He would like it re-zoned so that he would be able to sell his property. MRS. MARILYN SIMPSON, President, Whispering Oaks-Cherry Creek Area Neighborhood Association, appeared to oppose the zoning request.

Councilmember Goodman moved that the Council uphold the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen
Noes: None

The Mayor announced that the zoning had been DENIED.

Zoning Withdrawn

29TH STREET
COMPANY
By Robert Duke
C14-77-130

900-906 West 29th Street
2900 Pearl Street

From "BB" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the
Planning Commission

Motion

Mayor Pro Tem Himmelblau moved that the Council uphold the Planning Commission and deny the zoning change. The motion was seconded by Councilmember Goodman.

The Mayor announced a valid petition had been filed and it would require 6 votes to grant.

ROBERT C. DUKE, representing the applicant, said he felt the opposition of the people opposing this zoning were illusionary. The property along 29th Street has changed in character. Part of the change has been approved by the City Council in the building of the Senior Citizens' Recreation Center just a block from the 29th Street Company - Good Food Store. Other zoning changes have also occurred with half-way houses, a child and guidance center, day care center and a night club down the street. The traffic count on 29th in 1968 was 2,750 cars per day. It has increased to 7,360 cars per day. Mr. Duke said there has never been any opposition to the Good Food Store, and they have been there since 1971. There is a serious parking problem on the street and the Good Food Store is merely trying to alleviate the congestion by moving their store, remodeling it to look like a German Sunday house, and create room for parking by removing one building. Mr. Duke said this would not be a drastic change to the character and use of the property.

STUART SHAW, President, Good Food Stores, Inc., appeared before Council to state that sales at the 29th Street Store are down considerably because the only place to park is in a "No Parking" zone. He said sales at his other stores are not down and they have adequate parking. Mr. Shaw felt that the design of the store he is proposing would be an asset to the neighborhood.

KIRBY PERRY, the owner of the property to be purchased for the parking lot area, appeared before Council to say that he is an architect and will oversee the new building and general design of the area.

MR. FRED HANKEY, 2902 Pearl, owns the property on the corner of the block involved. He said the improvement to the Good Food Store property and adjacent parking would enhance the area. Mr. Hankey stated that there are only four homeowners on 29th Street from Lamar to Guadalupe. He said that if the Good Food Store goes out of business, then the hippie-type people who lived in that area would probably return.

CHESTER COOK, public relations representative for the Good Food Store told the Council he had talked to many of the neighborhood residents and that they are happy about the project. He presented a petition of 25 to 30 people who are in favor of the rebuilding of the Good Food Store.

BETTY PHILLIPS, President of Save the University Neighborhood, appeared to say they were against the improvements to the Good Food Store. She said a petition had been circulated in the neighborhood and some people had not signed because they want the property to be commercial so that their's will be commercial also.

MRS. DARYL WILLIAMS, representing the Heritage Neighborhood Association, appeared in opposition to the "GR" General Retail zoning. She said they are not against the Good Food Store, but are against expansion of the store. She was afraid that if it was expanded and did not last as a food store, it might become a bar or a massage parlor. Mayor McClellan said she understood Mrs. Williams' fear of what might happen in the future and asked her if she would object to a restrictive covenant being attached to the zoning so that if in the future it went out of business as the Good Food Store, the zoning would revert to "BB" Residence. Mrs. Williams replied their intent is to keep commercial development at a low key.

RICHARD HARDIN, 1104 West 22nd Street, and owner of 60 rental units in the area, appeared to state that restrictive covenants can't really be implemented. He said he spoke from personal experience and cited a hypothetical example. Mayor McClellan asked City Attorney Harris to clarify the point because she said it was her understanding that such a limitation could be enforced. Mr. Harris said, "I do not know what your experience has been and I cannot disagree with you that restrictive covenants do get litigation some times as to whether they have been met, but the thing about restrictive covenants is that it does depend on someone determining when they have been violated, just as it does the zoning ordinances. So if the restrictive covenant placed on the land by the owner, which would be the requirement, he can deed restrict his land just like entire subdivisions are restricted and they are being enforced in the courts very strictly most of the time. If the neighborhood somehow waived their rights to the restrictive covenants, that's how they get overturned; or you can put an expiration date in the restrictive covenant, then they are invalid. But restrictive covenants are effective."

MRS. C. J. ALMQUIST, a resident in the area, appeared to state the traffic is already bad and she does not want to see business expansion which would make the traffic worse.

JUDY WILCOCK lives across the street from the Good Food Store. She has small children and feels that if the Good Food Store expands, it would not be safe for her children.

Second to Original Motion Withdrawn

Councilmember Goodman withdrew his second to Mayor Pro Tem Himmelblau's motion to uphold the recommendation of the Planning Commission and deny the zoning change.

Motion

Councilmember Goodman moved that the Council close the public hearing on this zoning case. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Snell,
Trevino
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem
Himmelblau, Councilmember Mullen

Later, in the afternoon, Councilmember Goodman asked the applicant if he would be willing (if the zoning is granted) to accept a restrictive covenant on the zoning, that it would roll back to "BB" Residence if the Good Food Store failed. Mr. Kirby Perry said that the restrictive covenant should stipulate something about retaining the zoning if the Good Food Store should change its name. Mr. Harris said the restrictive covenant could be written for the exact type of limitation, and that it could be tied to the same type of business.

Motion Failed

Councilmember Goodman moved that the Council grant the zoning with a restrictive covenant that it will revert back to "BB" Residence if the Good Food Store, under its present owners, is no longer in business. The motion, seconded by Councilmember Cooke, showed the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman
Noes: Mayor Pro Tem Himmelblau, Councilmember Snell

The Mayor announced that the zoning had not been granted as it takes 6 votes required to pass because of a valid petition against the zoning.

Mr. Perry asked that they be allowed to withdraw their request for a change to "GR" General Retail zoning.

Motion to Reconsider

Councilmember Snell moved that the Council reconsider their vote. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

Motion

Councilmember Trevino moved that the Council allow the applicant to WITHDRAW his request to change the zoning. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen
Noes: None

The Mayor announced that the zoning had been WITHDRAWN.

Zoning Referred Back to Planning Commission

MOCKINGBIRD HILL,
LTD., ET AL
By Morris Olguin
C14-77-138

Rear of 10511-10621
North Lamar Boulevard

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial and
"A" Residence
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Goodman moved that the Council refer the zoning request back to the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Snell, Trevino, Mayor
McClellan

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem
Himmelblau, Councilmember Mullen

The Mayor announced that the zoning application had been referred back to the Planning Commission.

Zoning Granted

QUAST BUILDING
Britt R. Kennard,
owner
C14h-77-037

412 East 6th Street

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission and with those criteria identified by the Landmark Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino, Mayor
McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem
Himmelblau, Councilmember Mullen

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, with those criteria identified by the Landmark Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

SIGN REQUEST

The Council considered a request from PASTOR CHARLES W. HYDE and MR. EMMETT S. GLOSSON, representing the First Assembly of God Church, to erect a sign approximately 17 feet high. Pastor Hyde told the Council that the sign was needed so that his Church could be clearly distinguished from other churches in the area. He indicated that the Board of Adjustment had turned down the sign request and had imposed upon the Church certain requirements that he felt would render the sign ineffectual for Church purposes. Pastor Hyde then gave a brief description of the sign. The sign itself is 8 feet high with a 9 foot brick base. Mayor McClellan informed Pastor Hyde that the Council did not have the authority to overturn a decision made by the Board of Adjustment. Councilmember Trevino suggested instructing the City Manager to come back to the Council at a later time with recommendations on what could be done about the matter. City Manager Davidson stated that he would come back to the Council with a report outlining the options that can be taken.

ALTHA MOORE INMAN COMPLAINT

MRS. ALTHA MOORE INMAN appeared before Council to discuss a building permit, removal of a large willow tree and a meter box. Mrs. Inman stated that a sheet iron home which she owned was destroyed in a storm and that Building officials had told her that she could not rebuild such a structure on her property. Mr. Lonnie Davis, Director of the Building Inspection Department, stated that the City Ordinance specified that Mrs. Inman could rebuild a sheet iron structure if she chose to do so but that it could not be constructed on the same location as the previous structure. Mayor McClellan suggested that Mr. Davis and Mrs. Inman get together to try and work out the problem. Mrs. Inman also questioned why a City meter box was located on her property. Mr. Davidson indicated that this would also be looked into. Mrs. Inman complained of a large willow tree which she claimed was the cause of routing a nearby creek through her property. Mayor McClellan assured Mrs. Inman that this situation would be looked into also.

CHRISTMAS TREE LOT

MR. GENE C. PAYNE, President of the Austin Optimist Club, appeared before the Council to request permission to use a lot at the corner of North Lamar and San Gabriel for a Christmas tree lot.

Councilmember Trevino moved that the Council approve the request submitted by the applicant. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell

Noes: None

UNFAIR PRACTICES

MRS. DELORES GREGG DUFFIE, Chairman of the Rosewood Advisory Board, appeared before Council to discuss unfair practices dealing with the community being well represented in all phases of City government. She stated that there seemed to be problems with hiring practices in the City Parks and Recreation Department. Mrs. Duffie indicated that these problems were related to discrimination. Mr. Davidson indicated that City departments tried to utilize the most equitable means possible in regard to hiring practices. He cited the new City personnel policy and the affirmative action plan as procedures which are followed by the City. Mr. Davidson told Mrs. Duffie that he would be glad to look into any case which she brought to his attention. Mayor McClellan asked that the City Manager bring back a report to the Council which could also be shared with the Rosewood Advisory Board. Councilmember Cooke asked the City Manager to report back to the Council on how the personnel director was involved with the staffing for various departments. Mr. Davidson also indicated that he would look into the prospect of a bus route and street light on Manor Road and Chestnut Street as requested by Mrs. Duffie.

ANNEXATION

The Council had before it consideration of the following annexation:

64.87 acres of land out of the Henry P. Hill League, Timberline Office Park, a portion of Timberline amended and unplatted land.
(Case No. C7a-77-009)

Mr. Dick Lillie, Director of the Planning Department, told the Council that the subject property was located adjacent to Zilker Park and that the applicants had requested annexation. Most City departments claimed to have no problem with the annexation. However, Mr. Lillie pointed out that the Fire Department felt that fire protection in the area would be only marginal. Mr. Lillie stated that the recommendation of the Planning Department was to proceed with the annexation.

MR. LOUIS PARKER, State Executive Secretary for the Knights of Columbus, told the Council that his organization owned 14.2 acres of land in the proposed annexation area and questioned what the advantages of such would be. Mr. Davidson pointed out that the property would receive police and fire protection. He also indicated that sanitation, sewer and street services would be available for the property. Mr. Davidson also stated that ad valorem taxes would apply for the organization's property the same as it would for any other business in the area.

Mayor Pro Tem Himmelblau moved that the Council close the public hearing and proceed with annexation of 64.87 acres of land out of the Henry P. Hill League, Timberline Office Park, a portion of Timberline amended and unplatted land. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino
Noes: None

PULLED FROM AGENDA

An item was pulled from the agenda approving submission of an application in the amount of \$18,327.00 to the Texas Committee for the Humanities and Public Policy for funds to operate a Senior Citizens Project. (Project Period: January 1978 through August 1978 - Total in-kind cost to City: \$10,842.00)

EASEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following Easement:

A five (5.00) foot Public Utilities Easement out of Lots 1, 2, 3, 4, 5, 6 and 7 Block A, Ramsey Place, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. William M. Brooks, Agent for the Austin Independent School District).

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following Easement:

A Public Utilities Easement out of Lot 17, Block L, Beaconridge I, a Subdivision of records in Book 69 at Page 45 of the Plat records of Travis County, Texas. (Requested by Mr. B. F. Priest, Registered Public Surveyor, in behalf of owner, Mr. Bill Milburn).

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

AIRPORT MASTER PLAN

Councilmember Mullen moved that the Council adopt a resolution amending the agreement with R. Dixon Speas to update the Airport Master Plan, to allow for additional work at a cost not to exceed \$10,000 at Robert Mueller Airport. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

POLICE PISTOL RANGE

Councilmember Mullen moved that the Council adopt a resolution authorizing the selection of Holt & Fatter architectural services for the renovation of the police pistol range, C.I.P. No. 78/87-01. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

WESTINGHOUSE ELECTRIC SUPPLY CO. 9230 Research Boulevard Austin, Texas	- Street Light Standards, Electric Department. Item 1 - 300 ea. @ \$165.81 Total: \$49,743.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

B.G. BOYD CONSTRUCTION COMPANY 6505 Brownwood Court Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, PEDERNALES SUBSTATION - Construction of Electric Ductlines and Concrete Foundations at Pedernales Substation - \$17,674.00.
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

STIEFER PAINTING AND CONTRACTING 903 Wagon Trail Austin, Texas	- CAPITAL IMPROVEMENT PROGRAM, Restrooms Improvements to Terminal Building, Robert Mueller Municipal Airport - \$5,139.00 CIP No. 73/81-01
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a grant application through the National Committee on Arts for the Handicapped in the amount of \$3,960 for a "Very Special Arts Festival" to be held on September 9, 1978. (Total in-kind cost to the City \$2,713.00). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

NOMINATING AND ELECTION COMMITTEE

Councilmember Mullen moved that the Council adopt a resolution authorizing the appointment of a Nominating and Election Committee for the City of Austin Retirement System, as per Retirement and Pensioning Ordinance No. 770331-A, Article III, Section 2(e), and accepting the suggestions from the staff. The appointments were as follows:

MEMBERS

1. Ruth Rubio
2. Mike Segrest
3. Bennie Sanders
4. Ann Bowden
5. Fannie Lowe

ALTERNATES

1. Bill Shuptrine
2. Bob Fleming
3. Narcisco Calderon
4. Terry Childers
5. Carol Reynolds

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

MHMR BOARD OF TRUSTEES

Councilmember Mullen moved that the Council adopt a resolution appointing Travis County's and Austin Independent School District's nominees to the reorganized Austin-Travis County MHMR Community Center Board of Trustees so that joint approval of these governing agencies' nominees as duly appointed and duly qualified trustees may be achieved. The nominees were as follows:

COUNTY NOMINEES

1. Kay Bunce
2. Hector Fabela
3. Ronald T. Luke
4. Frank M. Idard, Jr.

A.I.S.D. NOMINEE

1. Gloria Williams

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

STREET CLOSING

Councilmember Mullen moved that the Council adopt a resolution temporarily closing the 600 block of West 22nd Street from 6:00 p.m. to 2:00 a.m., Saturday, October 29, 1977, as requested by Mr. Mohamad Sadrieh, representative of the residents of 612 West 22nd, 608 West 22nd and 611 West 22nd Street. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

SETTING A PUBLIC HEARING

Councilmember Mullen moved that the Council adopt a resolution setting a public hearing for November 17, 1977 at 7:30 p.m. to amend Section 45-30(c) of the Austin City Code regarding off-street parking for day care or kindergarten facilities. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

SETTING A PUBLIC HEARING

Councilmember Mullen moved that the Council set a public hearing for November 17, 1977, at 8:00 p.m. to amend Section 45.4(c) of the Austin City Code regarding the establishment of a period of time for a temporary sales office for use in the development of a new subdivision. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

SETTING A PUBLIC HEARING

Councilmember Mullen moved that the Council set a public hearing for November 10, 1977, at 4:00 p.m. on the Town Lake Circulation Plan. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

ELECTRIC RATE STRUCTURE

The Council had before it for consideration recommendations proposed by Touche Ross & Company on the design of a new electric rate structure. Mr. Bruce Todd, Chairperson of the Electric Utility Commission, emphasized the implementation of an ongoing rate management study. He stated that Touche Ross had recommended a differential of 1.4 but that the Commission recommended one of 1.5. DR. HERBERT WOODSON, Professor of Electrical Engineering and a member of the Electric Utility Commission, presented the Commission's minority report to the Council. Dr. Woodson pointed out that the maximum differential recommendation made by Touche Ross was 1.4 and that they would prefer an even smaller differential of 1.2 or 1.3. He pointed out that using the 1.4 differential as recommended by Touche Ross, the rate of return for industry would be 4-1/2% higher than that of residential users. Dr. Woodson stated that utilizing the 1.5 differential as recommended by the Electric Utility Commission would make the differences in these rate of returns even greater. Dr. Woodson then made the following recommendations:

1. That the City base its electric rates on the cost of service as determined using sound economic principles and the best available data.
2. Institution of procedures for a rate management program to improve the quality of the data with which cost of service is determined, including the risk associated with serving commercial and industrial customers.
3. To not try and do social good via the electric system but address through more appropriate programs, the problems of the disadvantaged who not only have difficulty paying their electric bills, but need help for housing, food, medical care and other necessities.

Councilmember Cooke moved that the Council set a public hearing for Wednesday, November 9, 1977, at 8:00 p.m. to discuss the Touche Ross report. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

CONTRACTS

The Council had before it for consideration the following contracts:

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <p>Bid Award:</p> | <p>- Disassemble, inspection, and repair of 3 turbogenerators.</p> |
| <p>WESTINGHOUSE ELECTRIC CORPORATION
1455 West Loop South
Houston, Texas</p> | <p>- Unit No. 1 at Decker Power Plant, and Unit No. 9 at Seaholm Power Plant - \$184,980.00.</p> |
| <p>GENERAL ELECTRIC COMPANY
4219 Richmond Avenue
Houston, Texas</p> | <p>- Unit No. 4 at Holly Power Plant - \$30,000.00</p> |

Mr. R. L. Hancock told the Council that the contracts involved routine maintenance of 3 system generators. Councilmember Cooke asked about the status of Decker power plant No. 2. Mr. Hancock indicated that the Decker 2 plant was in a power ascent phase and was generating in excess of 200 Mw (200,000,000 Watts). He stated that there were a number of various load levels that the generator had to be put through. Mr. Hancock hoped that within 30 days testing would be completed and the generator put into full operation.

Councilmember Cooke moved that the Council adopt a resolution approving the aforementioned contracts. The motion, seconded by Councilmember Goodman, carried by the following vote:

- Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

CONTRACTS

The Council had before it for consideration the following contracts:

- | | |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Bid Award:</p> | <p>- Office Furniture, Various City Departments. Six (6) month supply agreement with one (1) three (3) month extension:</p> |
| <p>ROCKFORD FURNITURE ASSOCIATION
5524 West Bee Cave Road
Austin, Texas</p> | <p>- Items 1-14, 20-24b, 26-27, 29-29b, 39-39b, 42-51, 54-61, 63-67, 81-86, 90-114, 118, 121-122, 125-126, 128, 132, 135-136 - \$113,718.35.</p> |
| <p>ABEL STATIONERS
416 Congress
Austin, Texas</p> | <p>- Items 15-19, 25-25b, 28-28b, 31-37a, 40-41, 52-53, 62, 78-80, 87-89, 115-117, 119-120, 123, 127, 133-134, 137-138, 144, 149, 154-155, 157-160 - \$46,465.04.</p> |
| <p>BARKER OFFICE FURNITURE
419 Congress Avenue
Austin, Texas</p> | <p>- Items 37b-38b, 68-77, 139-142, 145, 146, 148, 150-153, 156 - \$13,133.10.</p> |

Items 30, 124, 143 and 147 cancelled, no bids received.

City Manager Davidson indicated that this was a six-month supply of furniture that was not currently stocked by the City. Mr. Solon Bennett, Director of the Purchasing and Stores Department, told the Council that comparing prices here to those of spot purchase prices, the pricing ranged from 3% to 25% lower than is currently received now on the bid invitation. Mayor Pro Tem Himmelblau asked Mr. Bennett if he had sent out competitive bids for the furniture. Mr. Bennett indicated that 26 bid invitations were sent out and 5 bids were received back.

Councilmember Trevino moved that the Council adopt a resolution approving the contracts for the purchase of the above furniture. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor Pro Tem
Himmelblau
Noes: None
Not in Council Chamber when roll was called: Mayor McClellan,
Councilmembers Cooke, Goodman

ADMISSION DEPOSITS

The Council had before it for consideration authorization for Brackenridge Hospital to raise the ceiling on the advanced admission deposits as recommended by the Hospital Advisory Board. Mr. Robert Spurck, Director of Brackenridge Hospital, stated that the deposits would not be required for emergency cases. He stated that the proposal had been unanimously approved by the Hospital Board. Mr. Spurck suggested going to a formula approach with regard to admission deposits. The admission deposit will be on an elective basis with the physician determining if a case is an emergency or not. If a case is an emergency, the admission deposit would be waived. In regard to a question from Councilmember Goodman, Mr. Spurck indicated that he hoped the program would have significant financial impact for the hospital.

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution upholding the recommendation of the Hospital Board. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem
Himmelblau, Councilmember Mullen
Noes: Councilmembers Trevino, Goodman, Snell

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 4.17-ACRE TRACT OF LAND, SAVE AND EXCEPT THE EASTERNMOST 10 FEET WHICH IS TO REMAIN ZONED "A" RESIDENCE DISTRICT, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 4.93-ACRE TRACT OF LAND, SAVE AND EXCEPT THE EASTERNMOST 10 FEET WHICH IS TO REMAIN ZONED "A" RESIDENCE DISTRICT, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 3: A 1.03-ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL SAID PROPERTY BEING LOCALLY KNOWN AS 2142-2150 WEST BEN WHITE BOULEVARD, 2201-2327 PRATHER LANE, AND 4000-4312 VICTORY DRIVE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Barton-West Association, Ltd, C14-75-029)

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell

Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN APPROXIMATE 2-ACRE TRACT OF LAND, SAVE AND EXCEPT THE NORTH 25 FEET, WHICH IS HEREIN ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 12003-12005 BELL AVENUE AND 12001 U. S. HIGHWAY 183, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (E. L. Sheppard, et al, C14-77-067)

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke,
Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen

Noes: None

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 18, BLOCK 1, OUTLOTS 31 AND 32, DIVISION O, M.K. AND T. ADDITION, LOCALLY KNOWN AS 806 WILLOW STREET AND ALSO BOUNDED BY INTERSTATE HIGHWAY 35, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Mrs. Raymond Matocha, C14-77-106)

The ordinance was read the third time and Mayor Pro Tem Himmelblau moved that the ordinance be finally passed. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem
Himmelblau, Councilmember Mullen
Noes: Councilmembers Trevino, Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS A, B, C AND D, BYRON ADDITION, LOCATED AT VARIOUS ADDRESSES ON BURLESON ROAD, CHAPMAN LANE AND BEN WHITE BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City of Austin, C14-77-018)

The ordinance was read the second time, and Mayor Pro Tem Himmelblau moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmember Mullen
Noes: Councilmembers Trevino, Snell

The Mayor announced that the ordinance had been finally passed.

LAKE AUSTIN GROWTH MANAGEMENT PLAN

The Council took under consideration amendment of Chapter 41 of the Austin City Code of 1967 to provide standards for development of land located within the watershed of Lake Austin as described by the resource maps of the Lake Austin Growth Management Plan. Mayor McClellan felt that water quality monitoring needed to be stepped up if the interim ordinance was going to work. Mr. Charles Graves, Director of the Engineering Department, stated that the City needed to obtain many samples over an extended period of time so that trends can be plotted. He indicated that a sampling device called an automatic sampler was being installed along Barton Creek. Mr. Graves stated that implementation of this project for the first year would cost \$37,300. As a recommendation, Mr. Graves told the Council that if they felt another automatic sampler was needed in the Lake Austin area, the cost this year would be reduced by one half and the USGS (United States Geological Survey) may possibly provide matching funds for the project. Mayor McClellan indicated that she would like to approach the USGS in regard to matching funds. Mr. Graves indicated that he would pursue this.

Mayor Pro Tem Himmelblau cited a part of the ordinance which stipulated that there shall be no direct discharge of wastewater effluent into Lake Austin and its tributaries. She questioned if this would also apply to package treatment plants. Dr. Maureen McReynolds, Director of the Environmental Resource Management Department, indicated that this item was included in the ordinance by request of the Environmental Board to the Planning Commission. She stated that it was the practice of the State Water Quality Board to allow no discharge of effluent into any of the Highland Lakes; therefore, the aforementioned inclusion tracks the State regulation. Dr. McReynolds stated that the ordinance could be modified as a more comprehensive package treatment plant policy could be devised.

Motion

Councilmember Mullen moved that the Council amend the ordinance to allow minimal clearing for the purposes of core and perk test, in the "Roadways" section of the ordinance. Councilmember Goodman seconded the motion. The motion was accepted by general consensus of the Council.

DR. GUS FRUH, member of the Environmental Board, stated that in regard to discharge of effluent into Lake Austin, the Environmental Board was concerned about problems connected with the operation of package treatment plants. He indicated that at a public hearing held by the Environmental Board, the main concern of persons attending was that waste not be discharged into the drinking supply of Austin. Mayor Pro Tem Himmelblau asked if the effluence could be taken away from the package treatment plants rather than discharged into Lake Austin. Dr. Fruh indicated that the effluence could be used in irrigation or placed into evaporative ponds. Councilmember Mullen asked what was meant in the ordinance by the stipulation that variances will not be granted on the basis of hardships. Dr. McReynolds indicated that the ordinance would not allow the creation of a lot that could not be developed due to drainage problems. In regard to impervious cover, Mayor Pro Tem Himmelblau asked why there was a difference between what was recommended by the Espey Huston Company and what appeared in the ordinance. Dr. Fruh stated that the figures represented in the ordinance in regard to slopes were very close to those recommended by the consultants. He indicated that the figures in the ordinance were the result of a compromise.

Councilmember Goodman asked if there was an averaging method for determining construction on slopes. Mr. Dick Lillie, Director of the Planning Department, stated that there was a provision in the ordinance which allowed transfer from steeper slopes to lesser slopes. Mayor Pro Tem Himmelblau asked Mr. Lillie if approval of the ordinance would effect plats currently being reviewed by the Planning Commission. Mr. Lillie indicated that approval of the ordinance would not effect the preliminary review of but would pertain to the final approval of plats. Mayor Pro Tem Himmelblau asked Mr. Lillie if variances on impervious cover could be granted to a developer provided the developer show ponding for run-off. Mr. Lillie pointed out that the "alternative methods" section of the ordinance provides that greater amounts of impervious cover may be allowed if it does not materially alter the scope or average density of the development as it would be permitted if the development were pursuant to the specific criteria or the numbers that are in the ordinance. Councilmember Mullen felt that it was unfair to change a decision in mid-stream after preliminary approval has already been granted.

In regard to the maximum amount of feet for cut and fill, Councilmember Goodman asked Mr. Graves if a maximum cut and fill of 9 feet would be preferable in the ordinance. Mr. Graves indicated that there would probably be fewer variance requests if this was the case. He stated, however, that an arbitrary figure would potentiate debate. Mr. Graves pointed out that it is desirable from an engineering standpoint to minimize the amount of cut and fill in a subdivision from the standpoint of cost reduction anyway. Mr. Graves then gave presentation of a model which demonstrated slopes. After Mr. Graves concluded his remarks, the Council discussed the fact that they had not had enough time to digest all of the information given them that day.

Motion

Councilmember Mullen moved that the Council postpone action on the ordinance until after 3:30 p.m. on November 3, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor McClellan requested that a report on water quality monitoring be submitted to the Council next week.

Motion

Councilmember Mullen moved that the Council change Item 2 on the last page of the ordinance to read as follows: "Variances will not be granted on the basis of hardship or such hardship as created as a result of the method in which a developer voluntarily subdivides the land after the effective date of this interim ordinance." The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

ETHICS REVIEW COMMISSION

The Council had before it for consideration an ordinance amending Chapter 2, Article VII, Section 2-41(b) of the Austin City Code entitled "Ethics Review Commission." MR. COLIN CARL, Chairperson of the Ethics Review Commission, suggested that the Council approve Part 3 of the proposed ordinance pertaining to members of the Ethics Review Commission.

Motion

Councilmember Goodman moved that the Council approve Part 3 of the proposed ordinance pertaining to members of the Ethics Review Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

Mr. Carl then discussed the differences between the recommendations of the Ethics Review Commission as opposed to the provisions in the Ethics and Financial Disclosure Ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE ETHICS REVIEW COMMISSION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance amending Chapter 2, Article VII, Section 2-41(b) of the Austin City Code entitled "Ethics Review Commission," to provide for Council appointment of a Certified Public Accountant to the Ethics Review Commission, and to provide that the attorney member of the Commission be a member of the Texas Bar Association and amending the provisions of the Ethics and Financial Disclosure Ordinance dealing with the acceptance and reporting of items of value. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman, Mayor Pro
Tem Himmelblau
Noes: Councilmember Mullen, Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan stated that she felt that everything should be reported. She said that it would be difficult to know how much a person has accumulated unless they are keeping track somehow. She also felt that the ceiling was too high.

In regard to Councilmember Goodman's statement that the amendment only applied to the Mayor and Council, City Attorney Jerry Harris stated that the Mayor and Council could accept gifts not exceeding \$10.00, could accept gifts valued between \$10.00 and \$100.00 which had to be reported on financial disclosure and that the Mayor and Council and all City employees could accept any gift on behalf of the City as long as it is reported to the City Manager and inventoried as a gift or a loan.

EXECUTIVE SESSION SET

Mayor McClellan announced the Council would not meet in Executive Session after today's meeting, but would meet Wednesday, November 2, 1977, at 4:00 p.m.

TRUTH IN SELLING ORDINANCE

The Council had before it for consideration the second and third readings of the Ordinance repealing the Truth in Selling Ordinance.

Councilmember Trevino asked if they could move the Ordinance through second reading only today and bring it back next week for third reading at 10:30 a.m. Mayor McClellan said that there would not be a full Council in attendance until after 3:30 p.m. on November 3, 1977. Councilmember Trevino said that his reason for asking this is that there had been several people who had been unable to stay for the public hearing on the Truth in Selling Ordinance.

Mayor McClellan informed the Council and Council Chamber audience that she has told everyone who called or wrote to her that even though the public hearing has been closed, they would hear anyone at this time who wants to speak. She said, "I'm sure they have the same problems a lot of other people have who have stayed here until six in the evening. If anyone is here who wants to speak on it today, I will be delighted to hear them. If you want to put it off until after 3:30 p.m. next week that is fine. I just think that in keeping with the precedence of this Council, any time there is an Ordinance like this, we should have the full Council in attendance and voting."

Councilmember Goodman said he thought it would be a good idea to not repeal the existing Ordinance until they adopt the new one. Councilmember Cooke said that if a leaflet is brought back with the Ordinance next week, he is ready to go ahead and vote for it as drafted. Councilmember Goodman said the realtors have been complying with the zoning verification ordinance.

Mr. DeLaRosa of the Legal Department reminded Councilmember Cooke that a leaflet is included with the Ordinance.

The Council returned to a discussion about what time of day to vote on the Ordinance. Councilmember Goodman suggested that they could hear them in the morning and vote on it later. That would satisfy all. Mayor McClellan asked if the Council wanted another public hearing. Councilmember Trevino said he did not think they needed that, but should recognize those who have asked to be heard.

Councilmember Cooke asked City Attorney Jerry Harris, "Are we setting a precedent here of not, and I realize people want to speak and we had complications when we had the public hearing, but are we setting a situation... if we are going to set something at 10:30 a.m., should we set another public hearing? I am asking for some legal advice because next time someone can't get here they are going to say the same thing."

Mr. Harris replied, "You are setting a precedence that is not necessarily legally binding, and that once you do, it makes it a matter of law and you will be required to do it every time. Of course, once you do it, it makes it very difficult to not do it again."

There was further discussion, and Mayor McClellan stated, "In this instance the public hearing has already been closed."

Councilmember Cooke stated, "We did have extenuating circumstances, and if we are going to do this next week, I think the Mayor should specifically say that this is because of extenuating circumstances and try to prevent this from being a precedent setting measure."

Mayor McClellan stated: "We will read that into today's Minutes that that was extenuating circumstances, and this is unusual, and it is not precedent setting but we will hear whoever is here for a limited amount of time at 10:30 a.m. next Thursday morning."

Motion

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE REPEALING ORDINANCE NO. 770113-C; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Cooke moved that it be passed to its third reading. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmember Mullen
Noes: Councilmembers Snell, Trevino

The Mayor announced that the ordinance had been passed through its second reading only.

Councilmember Snell said he voted against closing the public hearing before. He did not think it was a wise idea, and he does not think it would be a good idea to open it back up again. That is why he voted No.

Mr. Harris told the Council that since the Legal Department will be asked to come back with a final draft of the Truth in Selling Ordinance that might replace the current ordinance, he would appreciate each Councilmember checking the brochure and offering Mr. Albert DeLaRosa their suggestions. Mr. Harris said that under the current ordinance the information is required to be given a person buying residential property that had less restrictive zoning less than 300 feet from the property being purchased. In the new Ordinance they are proposing for drafting only a brochure has to be given by a real estate agent to a prospective buyer. Mr. Harris said that the question is, "Should we draft it so that the real estate person has to give the brochure to any person buying a residential piece of property, or to only people who are going to buy a residentially zoned property that fit into the category that has less restrictive zoning around it." Councilmember Goodman said that the only recommendation he would make is that at the top of the brochure it have a skull and crossbones that says, "Warning, You could have an Asbestos Factory next to your House." Mr. Harris said that if the real estate agent has to give

the brochure to anyone who is buying a residence, then there is very little duty for him to do anything but that. Councilmember Mullen said that perhaps they were creating problems that were not necessary, and gave an example of selling a house in the middle of a residential neighborhood with nothing but other houses for a mile on each side.

Mr. Lonnie Davis, Director of Building Inspection Department, said that if the distance of 300 feet were done away with, it would eliminate the necessity of someone in their office being prepared to hand out information. If the brochure were given to every one, it would just be a simple brochure that is passed out at the time or prior to the time the sale is closed.

Mayor McClellan asked the Council if they wanted a public hearing on the new ordinance, or if they thought the public hearing they had on Truth in Selling would suffice. It was the concensus of opinion that there should be a public hearing.

Councilmember Goodman moved that the Council set a public hearing on the proposed Truth in Selling Ordinance November 3, 1977, at 4:00 p.m. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor
Pro Tem Himmelblau, Councilmember Snell
Noes: Councilmembers Trevino, Mullen

ALTERNATIVE FORMATS FOR BUDGET AND C.I.P.

The Council had before it for consideration a proposal by Councilmembers Cooke and Mullen to instruct the City Manager to report on Alternative Formats for Budget and C.I.P.

Councilmember Cooke addressed the Council as follows:

"Since the Council has completed work on the 1977-78 Capital and Operating Budgets, we believe it is time that the Council consider the appropriateness and usefulness of the budget formats which have been presented to us. During Council work session discussions, it became clear that more information and detail would have aided our analysis. With consideration of the Fiscal Year 78-79 budget less than a year away, we can begin now to make our needs known to staff and management. Not only will our analysis be more thorough and systematic, but also staff will be spared compiling information at our eleventh hour request.

First the C.I.P. document would be more useful if the following information were included, possibly in abbreviated form:

1. Sources of funding (federal, state, city, etc.);
2. Whether the item is new, whether it has appeared in a previous CIP, or whether it has been rescheduled and/or modified;
3. A more detailed breakdown on costs;

4. A more thorough explanation of miscellaneous projects;
5. Whether or not the project was included in a bonding issue;
6. A succinct structural and architectural description of the project;
7. A justification, supported by data, specifying reasons for the project's construction, reasons for the proposed scheduling, and ramifications of postponement."

Councilmember Mullen pointed out the following to the Council:

"It is expected that a new operating budget format will be developed as the City moves toward a performance-zero base budget process. Included in the new budget format should be those performance indicators necessary for program evaluation. As the City makes the transition to a performance-zero base budget, the following should be accomplished or improved upon:

1. City staff and departments must clearly define program goals;
2. Program goals should be quantified in yearly objectives (performance indicators)
3. These performance indicators should measure effectiveness and efficiency as well as work load;
4. Staff should prioritize programs/activities on the basis of need and performance.

Although not inherently included in the concept of a performance-zero base budget, the following items should be considered for inclusion in the budget presentation:

1. Line item treatment of capital outlays;
2. Trending the budgeted and actual employment by department;
3. Allocation by department of CETA positions;
4. A five-year perspective and future cost trends.

In addition, we feel that the Council should amend the Council Goals and Objectives, Efficient and Responsive Government (3) (i) to read: "Cost accounting and performance-zero base budgeting should be given serious consideration for full implementation by FY 79-80." Staff should then be requested to report to Council with specific plans and scheduling for implementation."

Councilmember Cooke added a comment on the five-year perspective of trying to develop a system, which can, refined, show what will be anticipated in revenue generated capacity for the next five years, and what we anticipate our costs are going to be. He said they should do a five-year look ahead. He said he realizes there are many ramifications that can be brought into play, but a variety of programs can be looked at to make some considerations as to what the costs and revenues are going to be.

There was some discussion among the Council as to when the City Manager should return with a report. Councilmember Mullen said that there has to be a tremendous amount of training done by department heads to develop zero-based budgeting. While it could be a goal for 1979-80, he said he was not sure how far they should go. First, they have to be sure they want to do zero-based budgeting and understand how much training will be needed to implement plus the cost.

Mayor Pro Tem Himmelblau asked Mr. Davidson how far along the City is toward implementing the new accounting procedure that was asked for last February. Mr. Davidson said they were still about 15 to 16 months away from completion. He said they will be achieving certain elements of that project every 90 to 120 days until completion. He said they could come back to the Council with viewpoints on each of the factors that Councilmember Cooke and Mullen were asking for in 45 to 60 days. He said it would not be a definitive plan as to how each thing would be achieved.

Mr. Daron Butler, Research and Budget Department, commented on the accounting system Mayor Pro Tem Himmelblau had asked about. The administrative management team that is supervising the study will have its second overview meeting with the consultants on November 1, 1977. They are already beginning to develop sample formats and forms for them, he said. The study is on schedule and he said they were beginning to see the benefits of the study, one of which is the computerization of the budget preparation process. Mr. Butler continued, "It is true that the budget starts for the next year as soon as a new one is adopted. 45 to 60 days is reasonable for a response and will give me and my staff time to work with each member of the Council if necessary to clarify what their particular needs are for information in this."

Mr. Davidson added that one thing he and Mr. Butler thought should be included in the report is some understanding as to what everybody means when they talk about zero-based budgeting. As the two proponents of this plan are aware, he said, it does mean something different depending on where it's been applied in the past and how extensive the governing body has intended that we get into it. Hopefully, in that 45 to 60 days we can come back and outline our views and then let you take your pick.

Councilmember Mullen moved that the Council instruct the City Manager to bring a report back to the Council by January 1, 1978 on Alternative Formats for Budget and Capital Improvements Program (CIP). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino
Noes: None

HEALTH CARE FOR COUNTY RESIDENTS LIVING OUTSIDE OF AUSTIN

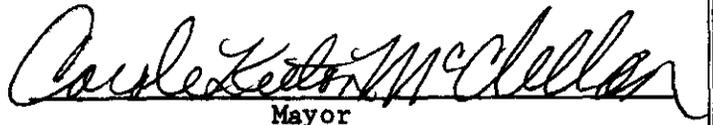
Mayor Pro Tem Himmelblau proposed that the Council consider asking the Travis County Commissioners to budget funds for health care for residents of Travis County living outside of Austin's City limits. She said she was proposing this regardless of the outcome of the Health Study Plan and suggested they terminate the clinic card arrangement they have by January 1, 1978. She said they have over 800 clinic cards which have been issued for residents outside the corporate limits and she said she thought it was time to make a different arrangement with the Commission's Court. Mayor Pro Tem Himmelblau commented that in talking to the Commissioners, she felt they are ready to pick up their share of the tab. Mayor McClellan asked her what the cost estimate is. Mayor Pro Tem Himmelblau answered, somewhere between \$300,000 to \$500,000. She said they needed to look at it on a capitation basis and to have Mr. Liro, Mr. Trimble and Mr. Spurck work with them. The reason for putting the January 1, 1978, deadline on the clinic cards is that the County is in the process of finalizing their budget right now and will be finished some time in December. Councilmember Snell asked if the clinic cards would still be honored between now and January 1. Mayor Pro Tem Himmelblau said that is correct.

Mayor Pro Tem Himmelblau moved that the Council ask the Travis County Commissioners to budget funds for health care for residents of Travis County outside the Austin City limits, and for the City of Austin to terminate clinic cards issued to these residents by January 1, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

ADJOURNMENT

The Council adjourned its meeting at 6:45 p.m.


Mayor

ATTEST:


City Clerk